

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: FAIRGROUND STATION

Case Number: PSR2009-00015; SEP2009-00029;
EVR2009-00012

Location: 301 NE 179th Street

Request: The applicant requests site plan approval to construct a 12,500 square foot office building on approximately 1.04 acres located in the General Commercial (GC) zoning district. A modification to the transportation standards is requested to allow the proposed full-movement driveway access to and location on NE 179th Street, a principle arterial.

Applicant: David Chan
4402 NW Seneca Court
Camas, WA 98607
(360)885-1206; (360)823-0267 fax
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Contact Person: Mike Odren
Olson Engineering, Inc.
1111 Broadway
Vancouver, WA 98660
(360)695-1385; (360)695-8117 fax
mikeo@olsonengr.com

Property Owner: David & Liann Chan
4402 NW Seneca Court
Camas, WA 98607

DECISION

Approved, subject to Conditions

Team Leader's Initials: MB **Date Issued:** July 9, 2009

County Review Staff:

	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer: (Trans. & Stormwater)	Doug Boheman	4219	Doug.boheman@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
Manager:	Mike Butts	4137	Michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: General Commercial (GC)

Parcel Number: Parcel 182171-000, located in the NE Qtr of Section 15, Township 3 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire), 40.230.010 (Commercial Districts), 40.320 (Landscaping/Screening), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.010 (Legal Lot Determination), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees).

Neighborhood Association/Contact:

Fairgrounds Neighborhood Association
Bridget Schwarz, President
2110 NW 179th St
Ridgefield, WA 98642
(360) 573-5873
E-mail: bridget@bridge-i-t.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application

is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on September 25, 2008. The pre-application qualified to be contingently vested as of August 29, 2008.

The fully complete application was submitted on March 31, 2009 and determined to be fully complete on April 14, 2009. Given these facts the application is vested on August 29, 2008.

Time Limits:

The application was determined to be fully complete on April 14, 2009. The application was on hold for 12 days at the applicant's request. Therefore, the County Code requirement for issuing a decision within 78 days lapses on July 13, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on August 24, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Fairgrounds Neighborhood Association, SEPA Agencies, and owners of property located within 300 feet of the site on April 28, 2009.

Public Comments:

In response to the public notice, the county received one comment letters, as follows:

1. Received on May 12, 2009 from Washington Department of Ecology (Exhibit #6). The letter from Ecology states that demolition of existing structures requires asbestos abatement. Other hazardous materials must be removed prior to demolition and properly disposed. Reuse and recycling of building materials is encouraged, and the facility should be designed so that opportunities to recycle are at least as convenient as waste disposal.

There is a known contaminated site within a half mile of the site. If environmental contamination is encountered during construction, Ecology must be notified.

Erosion control measures must be in place to prevent any discharge of sediment or other pollutants to waters of the state. Stormwater runoff from the development needs to be treated to remove contaminants. During construction, oils, fluids, fuels, paints, solvents, and other such materials must be managed to prevent soil and water contamination. The letter contains additional recommendations for practices to prevent water contamination. A NPDES permit is required for projects that disturb one acre or more and discharge stormwater to surface water or a storm sewer.

Staff Response

The applicant has been provided with a copy of the letter from Ecology, and is separately responsible for compliance with all state and federal regulations. A

demolition permit from the Clark County Building Department is required prior to demolition or removal of any existing structures (see Condition B-1.a.). Erosion control measures will be monitored by county inspection staff during construction, and the development will be required to manage stormwater in accordance with the Stormwater and Erosion Control Ordinance (see the Stormwater section below).

Project Overview

The site is a 1.25 acre parcel containing an existing single-family dwelling, a manufactured home and four accessory structures. All existing structures are proposed to be removed.

The site would be developed with a 12,500 square foot, one-story office building and associated parking lot.

Besides the existing buildings, the property is covered by trees, shrubs, and grass. The topography is gentle, sloping generally from southwest to northeast, with slopes not exceeding 5-10%.

Abutting the site on the west and north across 179th Street are vacant parcels, while the abutting parcels on the south and east contain existing single-family residences.

The site is located in the Clark Public Utilities service area for public water, the Clark Regional Wastewater District for public sewer, and within Fire District 6.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	General Commercial	General Commercial	Residential
North	General Commercial	General Commercial	Vacant
East	General Commercial	General Commercial	Residential
South	General Commercial	General Commercial	Residential
West	General Commercial	General Commercial	Vacant

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Uses

The applicant submitted a supplemental narrative (Exhibit #7) indicating that the proposed mix of uses in the 12,500 square foot building includes 8,000 square feet (64%) of general office use and 4,500 square feet (36%) of medical office use.

These uses are allowed in the General Commercial (GC) zone pursuant to CCC Table 40.230.010-1, subject to site plan approval in accordance with CCC 520.040.

Finding 2 Landscaping

A minimum 15% of the site area is required to be landscaped, in accordance with CCC 40.230.010(D)(4). The preliminary site plan and landscape plan demonstrate compliance with this requirement, calculating that 23% of the site area will be in landscaping.

Landscape buffers are required around the perimeter of the site in accordance with CCC Table 40.320.010-1, as follows:

- North (abutting 179th St) – 10-foot buffer with L2 landscape plantings
- West, south & east (abutting GC) – 5-foot buffer with L1 landscaping/screening

The preliminary landscape plan provides the required buffers.

Landscape islands are required in the vehicle parking areas at a minimum ratio of one island per seven parking spaces, in accordance with CCC 40.320.010(E). Based on 50 parking spaces, a minimum of 7 landscape islands are required and are provided.

An irrigation plan is required in accordance with CCC 40.320.010(G)(7). (see Condition A-6.a.)

Required street tree plantings within the right-of-way along the site frontage of NE 179th Street are already in place as a result of the 179th Street county road project.

Prior to occupancy, verification is required that the landscaping has been installed in accordance with the final approved landscape plan. (see Condition F-1)

Finding 3 Pedestrian Circulation

On-site pedestrian routes are required connecting between uses on the site and connecting buildings with public streets. In the Commercial zones, pedestrian routes connecting buildings with the public streets are required to be a minimum 8 feet wide with a 3-foot landscape strip, in accordance with CCC 40.230.010(D)(5)(a). Where they cross vehicle circulation lanes, the pedestrian routes need to be of a contrasting surface or material, in accordance with ADA standards.

The preliminary site plan and landscape plan demonstrate compliance with these requirements, except that detectable warnings need to be indicated located at the ends of the marked crossings. (see Condition A-1.a.)

Finding 4 Parking

County parking standards are contained in CCC 40.340.010. Off street parking is required in accordance with Table 40.340.010-4, which requires a minimum on one parking space per 200 square feet gross floor area for medical offices, and one space per 400 square feet for general office space. Requirements for the proposed building are calculated as follows:

- 23 spaces – 4,500 sq ft medical office space
- 20 spaces – 8,000 sq ft general office space
- 43 spaces – Total minimum required
- 50 spaces – Provided

Based on 50 parking spaces, a minimum of two ADA accessible spaces are required, including one van space. The required accessible spaces are provided on the site plan.

Finding 5 Lighting

The preliminary site plan identifies outdoor lights at four locations in the parking area. The plan also identifies a 1 foot candle photometric line for each light. However, to help ensure that the development will not result in significant glare off site, a specific condition is warranted requiring that proposed site lighting be located,

shielded and directed in such manner as to prevent off site glare. (see Condition H-1)

Finding 6 Solid Waste Storage

Storage areas for solid waste and recyclables are required in accordance with CCC 40.360. The preliminary site plan identifies a 100 sq ft trash enclosure area. The final site plan needs to include sufficient detail to verify compliance with the design criteria in CCC 40.360.030. (see Condition A-1.b.)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to the conditions identified under Conditions of Approval below, meets or can meet the land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 7 Archaeology

A portion of the site is mapped on the County Archaeological Predictive Maps as having a high (80-100%) probability of containing artifacts. Therefore, an archaeological predetermination was required. The archaeological survey was sent to the Washington Department of Archaeology & Historic Preservation. A letter from DAHP submitted by the applicant (Exhibit #9) indicates that no further archeological work is necessary.

If any archaeological or cultural artifacts are discovered in the course of development, all work in the immediate vicinity should stop, the area should be secured, and the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. (see Condition A-1.c.)

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

TRANSPORTATION:

Finding 8 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required, in accordance with the provisions of CCC 40.350.010. Sidewalks along the NE 179th Street frontage already exist as a result of a previous capital improvement project. An onsite pedestrian route is shown on the preliminary site plan. This proposed pedestrian route connects the existing NE 179th Street sidewalk to the proposed building. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section 40.350.010.

Finding 9 Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), a circulation plan shall provide adequate cross-circulation for serving the proposed development and allow future developments to meet the cross circulation standards. The site frontage along NE 179th Street (classified as a Principal Arterial) is approximately 165 feet. Cross circulation is required to be placed between 100 and 800 feet to meet circulation standards. However, the minimum full access intersection spacing along a Principal Arterial is 600 feet. NE 2nd Avenue is located approximately 150 feet west of the western property line of the subject parcel. That distance combined with the site's frontage along NE 179th Street (150 feet plus 165 feet) is less than the minimum spacing required for cross circulation along a Principal Arterial (315 feet). Therefore, the requirement for providing north/south cross circulation is met.

The depth of the subject parcel is approximately 275 feet. Even though the minimum intersection spacing along a Local Access road is 100 feet, providing a road section along the center of the subject parcel or a half-street along the south property line for a future connection would not significantly benefit the local transportation system. Additionally, the terminus of NE 2nd Avenue, located approximately 600 feet south of NE 179th Street, is the property line of the Clark County Fairgrounds property. This length of street falls within the 800 foot maximum intersection spacing for providing cross circulation. Therefore, the requirement for providing east/west cross circulation is met.

Finding 10 Frontage Roads

NE 179th Street is classified as an Urban Principal Arterial. Road frontage improvements and right-of-way dedication along the site frontage of NE 179th Street have been previously completed. Therefore, no frontage improvements or right-of-way dedication is required for the site.

Finding 11 Sight Distance

The posted speed limit for NE 179th Street along the sites frontage is 40 mph. CCC Table 40.350.030-11 requires a minimum of 400 feet of intersection sight distance at the proposed site access driveway. The sight distance is to be measured from an eye height of 3.5 feet and a distance of 15 feet from the edge of the vehicle travel lane.

The applicant submitted a Sight Distance Certificate prepared by Eric Hathaway, a professional engineer licensed in the State of Washington. The certificate states that on measurements along NE 179th Street, the northbound egress movements from the proposed site-access driveway will have in excess of 400 feet of intersection sight distance looking both east and west.

Finding 12 Road Modifications

The applicant requests the following modifications to the County Transportation Standards:

1. To allow an unrestricted full-movement driveway onto an arterial.
2. To allow reduced minimum driveway spacing along an arterial.

If a development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.010. To be approved, the request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Request #1

The site has frontage only along NE 179th Street, a principal arterial, and is bordered by an open lot to the west and a small business to the east. Due to these constraints, it is not possible for the applicant to gain access via a roadway of lower classification than a principal arterial.

The applicant claims that a road modification should be allowed for the proposed full-movement access driveway on NE 179th Street under the above stated specific criterion "a".

Staff concurs with the applicant that access to either NE Delfel Road or onto NE 2nd Avenue is not practicable which leaves the only solution available to access onto NE 179th Street. Staff will not require the applicant to construct a centerline median on NE 179th Street.

The applicant is advised that the county may construct a roundabout at the intersection of NE 179th Street and NE Delfel Road and may construct a centerline raised median along NE 179th Street at some time in the future to restrict access to right-in/right-out movements in an effort to mitigate for traffic safety and operations.

Request #2

The applicant is proposing to provide a single access along the NE 179th Street site frontage to replace the existing single access driveway near the eastern property boundary. The proposed driveway is in violation of the aforementioned code, as it is located less than 185 feet from three driveways along NE 179th Street.

The applicant believes that a road modification should be allowed for provision of a site access driveway within 185 feet of an existing driveway under the above stated specific criteria "a" and "c".

The site's proposed direct access onto NE 179th Street creates a non-standard driveway spacing situation. Any location of an access from the site onto NE 179th Street frontage would create a similar driveway spacing issue.

Based on the findings and conclusions contained in the Road Modifications memorandum (Exhibit #10) staff finds that the requested modifications to the Transportation Standards should be approved.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the transportation requirements of Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 13 Trip Generation

County concurrency staff has reviewed the proposed Fairground Station development. The applicant's traffic study estimates the a.m. peak-hour trip generation at 25 new trips and the p.m. peak-hour trip generation at 25 new trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed development site is located at 301 NE 179th Street – Ridgefield.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020(D)(1).

Finding 14 Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study shows that the existing site access will be closed and a proposed full access location onto NE 179th Street will be constructed near the

western site boundary. The applicant's study also shows that an existing connection to an adjacent property will be terminated as a part of this proposed development. The applicant's study indicates that the proposed full access driveway will operate at a LOS B in the 2012 build out horizon. Staff concurs with the applicant's findings.

It should be noted that the applicant has submitted a Road Modification Request regarding a median installation on NE 179th Street. This request is addressed under the Finding 12 above.

Finding 15 Concurrency Compliance

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within one mile of the proposed development. Typically, the county's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the county's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the county's model, but, are accounted for in a "*background growth rate*" (2% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The applicant's study shows a one-mile radius study area. The county's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year. Therefore, county staff has determined that this development will comply with adopted concurrency standards for signalized intersections.

Unsignalized Intersections

The applicant's study shows the one-mile radius study area. County staff has evaluated the operating levels and standard delays represented in the county's model. The county's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections. Therefore, county staff has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

The applicant's study shows the one-mile radius study area. Evaluation of the concurrency corridor operating levels and travel speeds represented in the county's model yielded operating levels and travel speeds with an acceptable level of service.

Summary

The county has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under county jurisdiction.

Finding 16 Historical Accident Situation

The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis, with the exception of NE 179th Street/NE Union Road.

Staff reviewed the accident history to determine if there is mitigation that could lessen the accident potential and whether the proposed development should be required to mitigate the potential for future accidents.

A review of the accident history along NE 179th Street at NE Union Road shows that the most common accidents at this intersection are angle type collisions. Other accidents include a rear end collision, a side collision with another vehicle and a near vehicle collision that ended with personal property damage only.

It appears that a majority of the accidents are due to inattentive drivers. These types of accidents cannot be mitigated. For example, staff review found seven reported accidents between January 1, 2003 and January 31, 2008, a span of five years. Of these seven accidents, three accidents are due to drivers not seeing oncoming traffic before making a turning maneuver, the rear end collision occurred because a driver stopped in the travel lane and backing into oncoming traffic, and the other collisions were due to inattentive drivers that were drunk or made illegal turning maneuvers.

The traffic study information indicates that there will be a total of 10 p.m. trips on NE 179th Street at this intersection. Based on the nature of the accidents shown in the accident history, county staff believes that this relatively minor increase in traffic would not 'materially aggravate' or cause a significant safety hazard. Therefore, no additional mitigation is required.

Conclusion (Concurrency):

Based upon the development site characteristics, the submitted traffic study dated March 16, 2009 prepared by Kittleson & Associates, the requirements of the county's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance, CCC 40.350.020.

STORMWATER:

Finding 17 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 5,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in CCC 40.380.030(A).

This project will create more than 5,000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 18 Stormwater Proposal

The project's preliminary stormwater report proposes to achieve the required stormwater quality mitigation within the proposed Stormfilter cartridges located in the parking lot. The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms, as required.

The report indicates that the stormwater quantity control will be achieved by a belowground detention tank manifold system comprised of 24 inch diameter CMP pipes, as shown on the applicant's preliminary development plan, also located within the parking lot. The project, as required, proposes to limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding and not exceeding 10-year and 100-year pre-developed runoff rates.

Detained and treated stormwater runoff will be conveyed to a public storm sewer trunk line located in the NE 179th Street. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities require to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. (see Condition A-4.a.)

The proposed stormwater mitigation system and conveyance system shall be privately owned and privately maintained. (see Condition A-9.a.)

Finding 19 Site Conditions and Stormwater Issues

The property is 1.25 acres in area with slopes of 0-5% over 78% of the parcel and 5-10% over 22% of the parcel. The property has a single family dwelling and trees that will be removed (the applicant intends to retain some trees, where possible).

The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs and parking areas will be approximately 0.29 acres of new roof area and 0.51 acres of new sidewalks and pavement area. (see Condition A-4.b.)

The National Resources conservation service (NRCS) mapping shows the site to be 100% underlain by Gee soils (GeB) and Sara soils (SiB) classified by AASHTO as A-6 and A-4 soils respectively. These soils are designated as hydrologic group "C" and "D" group respectively. CCC 40.380 does not list A-6 or A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed.

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 20 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 21 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,700 gpm. Fire flow is based upon a 12,500 sq. ft. type V-B constructed building with an approved fire sprinkler system installed.

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Condition B-1.a.)

Finding 22 Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of new fire hydrants is adequate.

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (see Condition A-7)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Condition C-1.a.)

Finding 23 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Condition C-1.b.)

Fire apparatus turnarounds are not required.

Finding 24 Fire Alarm Systems

An approved fire alarm system is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (see Condition E-1.a.)

Finding 25 Fire Suppression Systems

An automatic fire sprinkler is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (see Condition E-1.b.)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets or can meet the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 26 Utilities

The site will be served by Clark Public Utilities for public water and by Clark Regional Wastewater District for public sewer. Utility reviews from the purveyors confirm that services are available to the site from NE 179th Street.

Approved connections to these utilities shall be verified prior to occupancy. (see Condition F-2)

Finding 27 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as

confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition A-8)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 28 Traffic Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Mt Vista TIF district with a fee rate of \$657.00 per new trip. The adjusted trip rate for office buildings 10,000-99,000 square feet (ITE 710) is 15.59 trips per thousand square feet gross floor area.

To compensate for the existing house being removed, the amount of TIF payable will be reduced by the amount of the TIF rate for a single family residence.

TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

$TIF = F \times T \times A \times BEF \times PB$

$TIF = \$657 \times (15.59 \times 12.5) \times 0.85 \times 1 \times 1$

$TIF = \$108,827.94$ (12,500 sq ft office bldg)

- 5,344.37 (less TIF for existing dwelling)

$TIF = \$103,483.57$ Total payable

TIF is payable prior to issuance of building permits. (see Condition E-2).

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are

possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 28, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, Planner II
(360) 397-2375 ext 4921

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit #1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Site Plan – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:

- a. The final site plan shall provide adequate detail for staff to verify compliance with all applicable ADA accessibility site design standards, in accordance with the requirements of the IBC, Washington State Amendments, and the ICC/ANSI A117.1-2003. (see Finding 3)
- b. The final site plan shall include sufficient detail regarding the solid waste enclosure to verify compliance with the design criteria in CCC 40.360.030. (see Finding 6)
- c. Archaeology - A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology

and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380, and the following conditions of approval:

- a. The applicant shall conduct a downstream analysis of off-site water quality impacts resulting from the development activity one-fourth of a mile downstream from the development site and shall mitigate these impacts. (see Finding 18)
- b. The applicant shall provide water quality treatment for impervious surfaces (except roofs) and quantity control required by CCC 40.380. (see Finding 19)

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (ref: CCC 40.320):

- a. The final landscape plan shall include an irrigation plan, in accordance with CCC 40.320.010(G)(7). (see Finding 2)

A-7 Fire Marshal Requirements - The local fire district chief approves the exact locations of fire hydrants. Contact Fire District 6 at 360-576-1195 to arrange for location approval. (see Finding 22)

A-8 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (see Finding 27)

A-9 Other Documents Required – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (see Finding 18)

A-10 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and:

- a. Prior to removal of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with applicable asbestos abatement requirements.
- b. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Finding 21)

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Fire Marshal Requirements:

- a. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Finding 22)
- b. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet. Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (see Finding 23)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Not Applicable

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Fire Marshal Requirements:

- a. An approved fire alarm system is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (see Finding 24)
- b. An automatic fire sprinkler is required at the time of construction for the proposed building. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. (see Finding 25)

E-2 Impact Fees – Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$103,483.57.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 28)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping** – Prior to the issuance of an approval of occupancy, the applicant shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the approved plans thereon attached, and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (see Finding 2)
- F-2 Water & Sewer** – The applicant shall provide documentation from Clark Public Utilities and Clark Regional Wastewater District that connections to public water and sewer have been installed and approved. (see Finding 26)

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
 - The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

G-4 Building Elevation Approvals – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 Outdoor Lighting – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (see Finding 5)

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

Any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on July 9, 2009. Therefore any appeal must be received in this office by 4:30 PM, July 23, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;

- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
 Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

